



COUNCIL ON HIGHER EDUCATION

APPENDIX A

REVIEW OF INTERNATIONAL LEGISLATION FOR THE DESIGNATION & NOMENCLATURE OF HIGHER EDUCATION INSTITUTIONS AND FOR THEIR OFFERING &/OR AWARDING OF DEGREES

Report to the Council on Higher Education

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I. OVERVIEW OF INTERNATIONAL EXAMPLES

1. Introduction

The CHE seeks to make recommendations on the conditions and criteria under which higher education institutions may be recognised as universities/universities of technology/ technikons/ institutes of technology and/or undergraduate degree offering and/or awarding institutions and/or postgraduate degree, diploma and certificate and/or awarding institutions.

This report reviews legislation and other information from around the world with relevance for the brief.

The report should be regarded as a resource to be read in conjunction with an interim Report on Nomenclature (dated 12 November 2002) and the final report to the CHE, still to be completed. Arguments will, therefore, not be fully developed here as they will be developed in the final report. Official documentation from a variety of countries has been collected.¹ Countries have been selected on the following grounds:

- where there was intellectual substance in the way that they have tackled the issues, which can provide guidelines for South Africa;
- where there was sufficient information in English;
- in order to provide a relatively broad overview of what happens internationally.

International examples, however, exist in their own contexts. Even countries which are very similar to South Africa are likely to have specific goals or concerns which are not relevant to South Africa. As argued before (November 2002), there must, therefore, be agreement about South African goals to direct policy. It is then possible to draw from international exemplars as needed.

2. Recognition as a higher education institution (whether called university or not)

Most countries protect both the title university (and other titles for higher education institutions) as well as the right to offer undergraduate or postgraduate degrees. Sometimes these two processes run together, as in the United Kingdom, but at other times they are separated when, for example, private providers are given the right to offer degrees but not to call themselves universities.

In nearly all cases, recognition as a university is through an Act of Parliament. Usually this occurs after recommendation or advice from a buffer body. In some cases, there are parallel processes wherein the government and the buffer body consider different criteria for, or implications of, establishing a new university.

¹ Although some analytical studies have been consulted, generally evaluative studies have not been sought.

3. Distinction between different types of higher education institutions

In the countries reviewed in this report,² New Zealand makes a distinction between universities and polytechnics; Canada has established a Technical University, which is distinct from universities covered under the general Act. The United Kingdom used to have polytechnics, but the removal of polytechnics from local authorities, as well as academic drift, led to the dissolution of the binary system.

When the major distinction between polytechnics and universities is usually an emphasis on vocational training and links with business and industry, it is not clear to me whether a legislative distinction will hold if challenged. For example, when universities also offer vocational programs (such as engineering and law) and when universities are also developing links with commerce and industry it is difficult to maintain the distinctions unless a very specific program and qualification mix is also defined³ and this was not the case in the countries surveyed. If there can be no clear legislative distinction, technikons applying for recognition as a university should have to meet the same criteria for university recognition as do universities. Maintenance of programme mix differentiation or levels of offerings appear to rest on a different level of distinction.

4. Criteria for recognition as a university

Sayed (2001) grouped criteria for recognition under three convenient headings : governance, functions, and qualities of a university. In most cases reviewed, criteria for recognition include review of all three.

In all cases, governance issues revolve around whether the institution has the leadership and the ability to deliver what it says it will. Sometimes, criteria for governance include the need for academic leadership, whether organised in the form of faculties or not.

With respect to functions, countries are pretty consistent in the criteria they use, although the number of criteria listed varies. New Zealand and Australia are similar, with a strong emphasis on intellectual activities and research. New Zealand guidelines are useful because they indicate that criteria should be reviewed in a holistic way rather than held to rigidly quantitative criteria.

With respect to the qualities of a university, many countries have minimum size and shape criteria. When these are not set, other classification schemes, whether they have official recognition or not, tend to come into existence. The context is also important. For example, when institutes of technology were seeking recognition by the Australian Vice-Chancellors' Committee (AVCC), the AVCC specified stringent criteria for size, minimum postgraduate enrolments, staff qualifications and research expertise.

Situations in other countries also determine criteria. Kenya, for example, grants approval for the establishment of new institutions in the context of perceptions of need of its national system. Sweden also merges its accreditation decisions with national questions about the system of

² There are, of course, other countries – not reviewed here – which also have institutions similar to technikons.

³ In South Africa, technikon programs are generally grouped in particular CESM areas, with a more limited spread than universities. Technikons generally also do not have enrolments in vast numbers at the postgraduate and doctoral levels, but this has more to do with the fact that they were granted the right to offer these degrees fairly recently than with concentration of programmes in particular CESM areas.

higher education as a whole. In this respect, both these countries are similar to South Africa and the size of the systems allows this type of decision to be made.

Sweden is the only country in this review that grants approval for different levels of provision.

Some countries have been included with very different contexts from South Africa, in order to provide a contrast. Romania, for example, introduced regulatory controls in reaction to a rapid expansion of the private sector. Malaysia links its approval of private institutions to economic goals in interesting ways.

5. Processes for recognition

Processes are very similar across the world. The submission of documentation is always required. Sometimes only the documentation is interrogated by an expert committee, but even these cases usually leave the possibility open for more detailed investigation if regarded as necessary. Most countries then have an expert committee which visits the applicant for inspection. Australia allows an opportunity for public comment before a final decision is made.

6. Mechanisms and responsibility for obtaining approval

The final decision usually rests with the Minister, usually with advice on quality from a body such as the HEQC. Advice on financial stability is usually also sought either from a funding council or from within the government department itself. Once referred by government for advice, the bulk of the work usually falls on the quality assurance body.

The best examples internationally have fairly extensive protocols developed by government (as in Australia), or guidelines for how to interpret legislation (as in New Zealand). Buffer bodies then normally have extensive guidelines on what should be submitted for evaluation.

7. Approval to offer undergraduate and/or postgraduate degrees

Many countries consider this at the same time as they consider the establishment of new universities. Sweden distinguishes between institutions with respect to the level of degree they may offer. The UK has a simple situation whereby degrees may be offered only by established universities; private providers must, therefore, get any proposed degrees accredited by an established university. The established university is responsible for, and accountable for, quality assurance. For foreign universities seeking to operate in Australia, there is a two-stage type of accreditation. The default position is that the Australian government wishes to rely on the accreditation of the foreign country. If there are concerns about this, however, the provider can be required to undergo a full accreditation process by the Australian authorities. For other private providers, courses must be reviewed by the Australian authorities and must be re-accredited after a maximum of five years.

8. Criteria for gaining approval to offer degree programs

Again there is relative consistency among the countries in what is requested. North American accreditation agencies provide representative and extensive examples of the questions asked. Once documentation is received, expert panels are usually set up. They investigate the

capacity of institutions to offer programs at designated levels. Several examples define the expected outcomes of the academic programs. There is usually a great deal of attention paid to the qualifications of academic staff.⁴ Where they exist, proposed new courses have to satisfy requirements of a national qualifications framework. The UK has a situation where only established universities can award degrees and quality assurance is provided through this route.

9. Lessons for South Africa

In an early discussion with the CHE Shape and Size Committee, the following were seen as key priorities in addressing the terms of reference of this project:

- protection of students;
- standard setting;
- improvement of quality across the system.

The Constitution and the Higher Education Act allow for private providers to offer degrees and the CHE must provide the framework for regulating this situation. The establishment of private universities, however, is a serious issue and the link between the CHE and the Ministry is very important in terms of ensuring that private providers are located in a context of national goals and funding priorities.

Both affordability and the capacity of a country point to the need to limit the number of formally established universities in that country. Given that the current Minister of Education has entered a restructuring exercise in which one aim is to reduce the number of universities and technikons, South Africa is not seeking to expand higher education by establishing new public or private universities or technikons.

All over the world, standards are set for establishing new universities, whether proactively or reactively. South Africa has the opportunity to be proactive in this respect. I think it is entirely appropriate to have high expectations of the use of the title university (and/or technikon). Certainly the intellectual goals of a university are important, however difficult they are to pin down.

Issues of size and shape are also important because they determine the intellectual environment of an institution. It is difficult to emphasise research without post-graduate degrees and doctoral students. Similarly, a spread of subject areas allows for academic synergy often required for good research. I think, therefore, that broad quantitative criteria are an important complement to the more qualitative criteria in defining a university.

Other important elements in approving the establishment of new universities revolve around the protection of students. To this end, all countries investigate financial stability, strategic plans and the resources put in place to realise the responsibilities and mission of any proposed new university. These are certainly elements being investigated by the Department of Education at the moment, and the proposed elements of HEQC institutional audits will also explore these elements. The governance of any proposed new university is a component of this element because it will indicate the extent to which academic goals predominate.

⁴ HEQC draft documents have drawn from international best practice and are very similar.

In terms of the goals of the South African Higher Education Act and the National Plan for Higher Education, I think technikons are very important elements of the system of higher education. Based on international experience, however, I am not sure that there is sufficient legislative distinction between universities and technikons to maintain that difference in title. It may be simpler to allow all higher education institutions, which meet determined criteria, to call themselves universities and require the Department of Education to maintain the program distinction through careful steering of program and qualification mixes.

A further important goal in the South African context is to increase access and for this, we should probably be looking at the overlap between the FE and HE sectors and considering the introduction of university colleges, which emphasise undergraduate qualifications only. There is a danger, of course, that they will begin to aspire to more postgraduate enrolments, but this may be an issue which can be dealt with pragmatically in subsequent decades when access has increased.

While the establishment of new universities should be restricted, there is a possibility for private providers to offer degrees, provided they fit within the NQF and meet HEQC requirements for quality. The Australian Protocols are useful in covering the separate issues which South Africa will have to address and can be used as an exemplar.

II. REVIEW OF INTERNATIONAL EXAMPLES

1. AUSTRALIA

1.1 Introduction

In Australia, both the use of the term university and the capacity to award higher education awards such as “bachelors degree” are legally protected. While many States and Territories already had legislation in this regard, national protocols were developed and endorsed by the Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) on 31 March 2000. If they had not already done so, each State and Territory was required to review its legislative and regulatory mechanisms to be consistent with these protocols for implementation by 30 June 2001. At the national level, there are five protocols, covering the following:

- Protocol 1: Criteria and processes for recognition of universities
- Protocol 2: Overseas higher education institutions seeking to operate in Australia
- Protocol 3: The accreditation of higher education courses to be offered by non self-accrediting providers
- Protocol 4: Delivery arrangements involving other organisations
- Protocol 5: Endorsement of courses for overseas students

The first three protocols will be discussed below. Thereafter, brief information on the Australian Qualifications Framework will be given as well as the state legislation of Queensland, which falls within the national protocols. The final section will give information on the Australian Vice-Chancellors’ Committee criteria for acceptance as a university. There were originally quite challenging, but have been relaxed subsequently.

1.2 Criteria and Processes for Recognition of Universities (MCEETYA: Protocol 1)⁵

With the stated goal to protect the standing of Australian universities nationally and internationally, MCEETYA agreed to protect the title university in two ways:

- by protecting the title university, and
- by establishing a legislative framework specifying consistent criteria and procedures by which an institution or organisation may use the title university.

A university is defined as “an institution which meets nationally agreed criteria and is established or recognised as a university under State, Territory or Commonwealth legislation” (Protocol 1: Definition).

Australian universities are required to demonstrate the following features (Protocol 1: Criteria):

⁵ All the quotations are taken from Australian Government (MCEETYA) 2002: National Protocols for Higher Education Approval Processes.

- “authorisation by law to award higher education qualifications across a range of fields and to set standards for those qualifications which are equivalent to Australian and international standards;
- teaching and learning that engage with advanced knowledge and inquiry;
- a culture of sustained scholarship extending from that which informs inquiry and basic teaching and learning, to the creation of new knowledge through research, and original creative endeavour;
- commitment of teachers, researchers, course designers and assessors to free inquiry and the systematic advancement of knowledge;
- governance, procedural rules, organisation, admission policies, financial arrangement and quality assurance processes, which are underpinned by the values and goals outlined above, and which are sufficient to ensure the integrity of the institution’s academic programs; and
- sufficient financial and other resources to enable the institution’s program to be delivered and sustained into the future.”

The process for assessing applications is also defined (Protocol 1). It has the following components:

- it should be transparent and equitable with equality between public and private universities;
- a fee will be charged;
- “the application should be subject to review by an independent, expert panel. The panel’s composition will include a majority of senior academic administrators with experience in the Australian university sector, including significant representation from outside the jurisdiction in which the application is made;
- the review process should involve evaluation against agreed national criteria, on the basis of written material and discussion with proponents of the institution, including academic staff and students, and must include an inspection of facilities where they exist. An evaluation of the financial capacity of the institution to deliver its proposed programs, and to sustain them appropriately, is required;”
- there should be opportunity for public comment before the review report is finalised.

For proposed new universities, where there is no existing institution, and where assessment is based on a plan, “approval may be given to operate on a provisional basis for a period of up to five years”. There may be conditions for this provisional approval. Further operation is conditional on meeting criteria in full.

1.3 Overseas Higher Education Institutions Seeking to Operate in Australia (MCEETYA: Protocol 2)

The criteria for approval to operate in an Australian jurisdiction are that an overseas institution needs to demonstrate:

- “that it is a *bona fide* institution, legally established in its country of origin;
- that the courses to be offered have been properly accredited in the provider’s country of origin by an authority that, in the opinion of the Australian jurisdiction’s decision-maker, is the appropriate authority;

- where the standing of the institution's accreditation status is not acceptable to the decision-maker, the decision-maker may require the proposed courses to be subject to a full accreditation process;
- the course or courses are comparable in requirements and learning outcomes to a course at the same level in a similar field in Australia;
- that the delivery arrangements, including the arrangements for academic oversight and quality assurance proposed by the overseas institution are comparable to those offered by accredited Australian providers; and
- that appropriate financial and other arrangements exist to permit the successful delivery of the course in the Australian jurisdiction" (Protocol 2).

Permission to operate is made for specific courses and is subject to review after a maximum period of five years.

1.4 The Accreditation of Higher Education Courses to be Offered by Non-self-accrediting Providers (MCEETYA: Protocol 3)

While there are legislative differences, all States protect degree awards. There is a fairly detailed process for assessing applicants (Protocol 3). These include:

- the appointment of an expert panel "with extensive knowledge of higher education courses in the same or similar fields, which is independent of the provider";
- "the review process must involve consideration of the applicants' capacity to deliver the course, including financial capacity, and must include verification of claims made by the institution through interaction with the institution and its representatives";
- courses must be re-accredited after a maximum of five years. There is a fee based on partial cost recovery.

Applicants are required to meet the following criteria (Protocol 3):

- "the course design and content should satisfy the requirements set in the Australian Qualifications Framework for the award level;
- the course should be comparable in requirements and learning outcomes to a course at the same level in a similar field at an Australian university;
- the delivery arrangements, including matters of institutional governance, facilities, staffing, and student services are appropriate to higher education and enable successful delivery of the course at the level proposed;
- the provider has appropriate financial and other arrangements to permit the successful delivery of the course, and is a fit and proper person to accept responsibility for the course."

1.5 The Australian Qualifications Framework (AQF)

The AQF lists outcomes for different levels of degrees from Bachelor to Doctoral. They are similar to outcomes in other countries' qualifications frameworks. For example, attributes for graduates of a Masters degree are:

- "advanced knowledge of a specialist body of theoretical and applied topics;

- high-order skills in analysis, critical evaluation and/or professional application, and the planning and execution of project work or a piece of scholarship or research;
- creativity and flexibility in the application of knowledge and skills to new situations;
- the ability to solve complex problems and think rigorously and independently” (Australian Qualifications Framework, 2002).

In reading the outcomes, there is no reason why any of them should be linked to offer at a university.

1.6 State Legislation: Queensland

As an example of one of the States, Queensland complies with national protocols, but it also has protocols of its own as described in its Higher Education (General Provisions) Act 1993 and Regulations 1996. Under these, the characteristics and role of a university are as follows:

- “capacity to advance, preserve and transmit knowledge through research, scholarly activity and teaching; and
- the capacity to provide courses of study leading to higher education awards under national and international standards; and
- the commitment to constitute a governing structure that will enable the institution to fulfil its obligations for academic autonomy, independent inquiry and self-management; and
- the capacity to have sufficient and satisfactory financial, human and material resources (including, for example, buildings, equipment and plant) to support its research, scholarly activity and teaching” (Regulations 1996: Part 2).

Applying to operate as a university in Queensland requires a process similar to the national protocol. An independent course assessment panel is appointed by the Minister “typically involving three current senior or recently retired academic administrators, at least two of whom would be from outside Queensland, and of sufficient academic standing to have a high degree of credibility in the academic and wider communities” (Regulations 1996: Part 3). The panel reviews documents provided to it and interviews key academic and administrative staff and students, as well as inspecting the facilities of the proposed university.

Consistent with the national protocols, overseas higher education providers cannot operate in Queensland without ministerial approval. This is granted on the assumption that “academic oversight and degree conferring authority remains essentially the responsibility of the institution established overseas” (Queensland Government, 2002: Overseas higher education providers). Nonetheless, there is extensive information that must be provided. The applicant has to demonstrate that:

- “the applicant is a *bona fide* higher education institution, legally established in its country of origin;
- the courses to be offered have been properly accredited in the provider’s country of origin by an authority that, in the Minister’s opinion, is the competent authority;
- in the case of agents acting on behalf of the university, those agents have the requisite authority from the provider;
- the nature of any relationship with the local provider in Australia, and the extent of any teaching which will take place in Australia, is clear and appropriate;
- the range and level of higher education courses proposed to be offered in Queensland is documented;

- the proposed staffing arrangements are adequate (whether the university intends to dispatch its own staff for face-to-face teaching or to involve other academics);
- appropriate arrangements exist to protect students in the event of a commercial failure;
- the arrangements which the university proposes for monitoring the operation of the course(s), for maintaining academic oversight and for quality assurance of its Queensland operations are adequate; and
- the nature of the expected student body is documented and, if it is planned to enrol overseas students, Commonwealth and State requirements for the enrolment of such students are met” (Queensland Government, 2002: Overseas education providers).

1.7 Australian Vice-Chancellors’ Committee (AVCC)

Some Australian Institutes of Technology had first sought to join the university-only Australian Vice-Chancellors’ Committee in the mid-1980s. In response to these demands, the AVCC attempted to define minimum criteria for acceptance as a university. To a certain extent, the wrangle over the use of the title university was made redundant when the Federal Government allowed all tertiary institutions to call themselves universities in 1991, without assessing them against any criteria. Probably in response to this, the first AVCC statement of 1989 *The Nature of a University* had stringent performance indicators.

There were twelve criteria for a university and these were strongly focused on research elements. The performance indicators for these criteria (listed by Massaro, 2002: 4-5) were as follows:

- a significant student load (of the order of 500 full-time equivalents – EFTSU) in each of at least three broad fields of study
- a minimum of 3% of its student load to be postgraduate research students
- staff expected to have obtained a minimum number per annum of one competitive grant per 20 full-time equivalent members of staff of lecturer and above
- staff expected to have an average of 0.5 refereed publications per annum per full-time equivalent academic staff member
- at least 25% of all full-time and part-time academic staff to have a relevant PhD and research experience.

There were even higher performance indicators for a well established university:

- an enrolment greater than 500 EFTSU across four or five broad fields of study
- more than 7% postgraduate enrolments
- an average of three research grants per 20 full-time equivalent staff at the level of lecturer and above per annum
- two to five refereed publications per annum per full-time equivalent academic staff
- between 60-80% academic staff with a PhD and research experience.

By 1997, it was clear that these performance indicators were unrealistic, not only to new applying universities but to several existing universities. As a consequence, in 2002 the AVCC removed the performance indicators and published more general criteria for an institution to be recognised as a university. These were that an institution:

- must have a legislative basis for its establishment, or identify the formal basis on which it is recognised by government;

- will be “self-governing” with a Vice-Chancellor or equivalent “responsible for its leadership, management, and administration”;
- “will have a stated and actual commitment to the advancement, dissemination and preservation of knowledge through teaching, scholarship and research”;
- “will have a stated and actual commitment to the concept of free enquiry by its staff, and of demonstrated service to its various communities”;
- will have sufficient resources and infrastructure to “sustain a broad range of teaching, scholarship and research”;
- “will have academic staff with appropriate qualifications and high professional standing in the community and with their peers”;
- “will teach its subjects and courses in ways that are intellectually challenging and inspire critical reflection”;
- will have staff with “an appropriate research record together with research plans and capabilities” (Massaro: 2002, 5).

For new institutions, the AVCC required:

- a definite plan to meet the criteria;
- real progress towards meeting the criteria;
- “a realistic prospect of being able to meet them within a reasonable period” (Massaro, 2002: 5).

Some States have retained more specific quantitative criteria, despite the fact that many existing universities fail to meet those criteria. The Government of Victoria requires the following minimum indicators of performance, for example:

- at least 25% of all full- and part-time academic staff should have doctorates;
- an average of at least 0.5 refereed publications per annum per equivalent full-time staff member is required;
- an average of at least one competitive external grant per annum per 20 equivalent full-time staff at the level of lecturer and above is required.

1.8 Comments

- The protocols are well-developed and cover the same range of issues that South Africa requires. They could well serve as a template for us.
- Recognition as a university in Australia requires compliance with criteria relating to function, academic qualities, governance and financial stability. Qualifications across a range of fields have to be offered, there has to be commitment to scholarship and new knowledge, there has to be independent governance and sufficient resources to enable the university to discharge its responsibilities.
- The process for consideration requires written material and discussion, review by an expert panel and place for public comment. This last element is unusual and may be useful for South Africa.
- The processes and criteria to be demonstrated are quite extensive. The interviews and inspections allow real scrutiny. Australia has, however, a well-staffed national government department.
- Overseas institutions have to meet requirements similar to those for institutions within Australia. They have to be legal entities within their own country, provide qualifications

that have been accredited in their own country and which are equivalent to those in Australia as well as have sufficient resources to discharge their responsibilities.

- The AVCC criteria for recognition as a member were originally quite onerous with rigorous quantitative criteria which were then reduced to become more consistent with national protocols. They have the same components as national protocols – self-governing, commitment to knowledge and research and sufficient resources, but there seems to be a greater emphasis on academic staff having appropriate qualifications and research records.
- Probably in response to formal challenges, challenging criteria seem to become watered down with the consequence that there must be greater reliance on quality assurance processes.
- While it has at least two private universities (Bond and Notre Dame), Australia appears to focus more on exporting, rather than importing, higher education, thus exists within a different context from South Africa.

2. NEW ZEALAND

2.1 Introduction

In New Zealand, the names of higher education institutions are protected and they are defined in the Education Amendment Act of 1990. The New Zealand Qualifications Authority provides advice to the Minister of Education for establishing an institution in terms of the Act.

Qualifications are registered on the New Zealand Register of Quality Assured Qualifications and levels 6 to 10 are associated with universities.

New Zealand is useful because of the distinction between universities and other higher education institutions and because of the intellectual substance in the guidelines for interpreting the legislation. Excerpts from the Education Amendment Act 1990 and guidelines to interpret this legislation are discussed below.

2.2 Education Amendment Act 1990: Characteristics of Higher Education Institutions

The Education Amendment Act 1990 sets out characteristics of four higher education institutions – a college of education, a polytechnic, a university and a wananga (an institution that applies Maori traditional knowledge according to Maori custom). The definitions of polytechnic and university (which most concern us) are as follows:

“A polytechnic is characterised by a wide diversity of continuing education, including vocational training, that contributes to the maintenance, advancement, and dissemination of knowledge and expertise and promotes community learning, and by research, particularly applied and technological research, that aids development.”

“A university is characterised by a wide diversity of teaching and research, especially at a higher level, that maintains, advances, disseminates, and assists the application of, knowledge, develops intellectual independence, and promotes community learning.”

According to the New Zealand Education Amendment Act 1990, universities have **all** the following characteristics and other tertiary institutions have one or more of those characteristics:

- i. "They are primarily concerned with more advanced learning, the principle aim being to develop intellectual independence.
- ii. Their research and teaching are closely interdependent and most of their teaching is done by people who are active in advancing knowledge.
- iii. They meet international standards of research and teaching.
- iv. They are a repository of knowledge and expertise.
- v. They accept a role as critic and conscience of society."

2.3 Qualifications Authority: Guidelines to Interpret Legislation

The New Zealand Qualifications Authority has established guidelines for the interpretation of the legislative characteristics above so that they can advise the Minister for Education on the establishment of a university. The Qualifications Authority makes an important statement about how it will use the guidelines. (All quotations in this section are from New Zealand Qualifications Authority, 2002: no page numbers.)

"The guidelines are to be applied on a case-by-case basis for applicant organisations wishing to be recognised as a university. The guidelines are not intended to be applied as rigid and inflexible benchmarks. The Qualifications Authority considers that each applicant organisation's character and features should be assessed on its own merits and that the guidelines will be used to assist in making interpretive decisions."

Each of the characteristics listed in the New Zealand Education Amendment Act 1990 is then explored in greater detail. The first three are discussed below. For example, **characteristic (i)** (that universities "are primarily more concerned with more advanced learning, the principal aim being to develop intellectual independence") is further defined as follows.

Students completing more advanced learning programs will be required to demonstrate the following:

- "a substantial knowledge of a discipline or a group of related discipline(s)
- investigative skills appropriate to the discipline(s)
- the capacity to think critically
- the ability to work independently and with others
- the ability to apply the knowledge and skills acquired through the program to different situations."

More advanced learning is identified with programs at levels 6-10 of the New Zealand Register of Quality Assured Qualifications; characteristics of these are described in an appendix.

More significantly, the guidelines for characteristic (i) indicate the following enrolment profile. The university "would normally" meet a requirement of

- 60% of total enrolments (measured in equivalent full-time students - EFTS) leading to qualifications at level 6 and above;
- 50% of total enrolments (measured in EFTS) in degree programs;

- 5% of total degree enrolments at postgraduate degree level (in a range of disciplines “appropriate to the character of the institution”).

The interpretive use of these guidelines is emphasised in the following footnote:

“The term ‘normally’ is intended to emphasise that the guidelines should be used to make interpretive decisions rather than be strictly applied. It is not intended to denote the percentages of students enrolled in existing New Zealand universities.”

The next **characteristic (ii)**, concerned with research, is explored in great detail. After defining research, it is noted that it is found in several contexts, not mutually exclusive. These include the following types of research: basic or fundamental, strategic, applied, scholarship, creative work, consultancy and professional practice. The guidelines note that the Qualifications Authority “does not regard research activity mainly concerned with keeping abreast with new developments in subjects as ‘research’. It is assumed that providers will, as a matter of course, ensure that all teachers of degree programs have sufficient time to keep abreast of new developments both in their subject areas and in methods of teaching and assessment.” The guidelines then go on to list what a university will normally have in place in order to conduct and support research and these include institutional policies and practices, human resource policies and practices, physical resources, reporting of activities, peer review, etc, etc.

Characteristic (iii), the requirement to meet international standards of teaching and research, is explored in similar detail. Guidelines are that a university should have external grants and institutional funds to support research, active programs of staff development, quality assurance systems, international staff and student transfers, etc. Although one guideline states that academic staff should have “suitable qualifications and high professional standing in the community and with their peers”, this is not defined beyond saying that “postgraduate qualifications or the equivalent must be held by all staff teaching at postgraduate level and by many staff teaching at undergraduate level”.

2.4 Comments

- There is no clear distinction between university and polytechnic other than saying that the polytechnics focus on continuing and vocational education and universities operate at a “higher” level and have all the characteristics of a university as defined in the Act.
- Whether degrees may be offered by institutions other than those established under the Act is not clear.
- The guidelines for interpreting legislation are particularly useful.
- The shape that a university “normally” meets and the requirement that a university must support research, would most likely exclude most private higher education institutions.
- The use of a contextual evaluation of the institution as a whole is useful even though there are not clear criteria for this evaluation.

3. UNITED KINGDOM

3.1 Introduction

The UK material is useful because there are minimum size and shape criteria for university title and a relatively simple solution for what to do about private providers in that they are required to get awards validated by an established institution. This is because only institutions established by an Act of Parliament may offer degrees.

Institutional titles and degree-awarding powers are both regulated in the UK. Universities are established by an Act of Parliament or by the Privy Council (and this right can be withdrawn).

Applications for degree-awarding powers or a university title have to be made to the relevant ministers. They will not normally be entertained unless the institution can demonstrate that over the preceding 5 years:

- there has not been a finding by a responsible quality assurance body that quality is unsatisfactory or that an improvement plan has to be produced, and
- no academic audit or institutional review has identified serious weaknesses of academic management.

The Privy Council seeks advice from the appropriate territorial Minister with higher education responsibilities, who in turn seeks advice from the Quality Assurance Agency for Higher Education (QAA). The relevant Funding Council will check the financial stability of all institutions seeking degree-awarding powers, as well as comment on their strategic planning of higher education provision. The QAA will comment on quality and standards.

In January 2003 the UK Government announced proposals to review the degree-awarding powers/university title criteria. "The UK Government has an interest in extending the scope of the criteria to make them more accessible to newer, non-traditional forms of higher education delivery" (private correspondence Haslam, 2003). Until this review has been completed, the information below reflects the status quo.

3.2 Binary divide and Private providers

Following the dissolution of the binary divide in 1992, there is no distinction between universities and polytechnics. The history of the binary system provides an interesting case history for South Africa.

Colleges of Advanced Technology were first created in 1956 when the post-Second World War government was concerned with responding to the demand for practically orientated technologists. (This section draws from a paper by Pratt, 2000.) A limited number of technical colleges was selected to develop new degree-level technology courses. Following progressive academic drift, however, the Robbins Committee found in 1963 that the colleges of advanced technology so resembled existing universities that there was no reason to distinguish between them. In 1965, the Colleges of Advanced Technology acquired University Charters and the government established a binary policy in higher education. Under the binary system, 30 polytechnics were created from more than 50 colleges in the further education sector. They were to provide vocationally oriented degree courses, which were to be approved by the Council for National Academic Awards. While the same academic drift occurred, Pratt contends that governance issues were the major reason for the abolition of the binary policy (2000: 2-3).

Polytechnics fell under local authorities and there was a history of problems and dissatisfaction on both sides. When they were eventually removed from the local authority sector, their independent legal existence facilitated the acquisition of university titles in 1992.

There is no specific legislation in the UK dealing with recognition of private providers. Since university titles and degree-awarding powers are regulated in practice, private providers cannot use the title university without authority nor falsely assert that their degrees are granted by recognised bodies. Offshoots of foreign institutions can award degrees if it is made clear that their awards are not UK awards or if their degrees are validated by a recognised body; for example The Open University validates several awards. Several UK universities also operate through institutions in the independent sector, which are accredited by the British Accreditation Council; for example MBAs at schools of management are validated by particular universities (see Chapter 6 on law and regulation in the Committee of Vice-Chancellors and Principals, *The Business of Borderless Education: UK Perspectives*, 2000).

3.3 Criteria for New Degree-awarding Powers

The Department for Education and Employment has published criteria for new degree-awarding powers. The headings are as follows (the detail will be discussed later):

CRITERIA COMMON TO ALL APPLICATIONS

- Governance and Management
- Quality Assurance
- Administrative Systems

ADDITIONAL CRITERIA FOR TAUGHT DEGREE-AWARDING POWERS

- Academic Staffing

ADDITIONAL CRITERIA FOR UNIVERSITY TITLE AND/OR RESEARCH DEGREE-AWARDING POWERS

- The Environment Supporting the Award of Higher Degrees
- Academic Staffing

ADDITIONAL CRITERIA FOR UNIVERSITY TITLE ONLY

The criteria for new degree-awarding powers as listed in the Department of Education and Employment web page are extensive, as could be expected from a document originating from QAA advice. All the headings have more specific criteria listed below them. To illustrate the criteria and information required, some examples are discussed below. For example, governance and management has one criterion, which is that the “institution’s governance, management, financial control and quality assurance arrangements are sufficient to manage existing operations and respond to development and change”. The QAA document lists eight types of evidence that an institution should be able to demonstrate with respect to this criterion.

Quality assurance, on the other hand, has seven criteria listed below it, each criterion with its own list of evidence that the institution should demonstrate. As an example, the first criterion for quality assurance is that the “institution has clear and consistently applied mechanisms for establishing its academic objectives and outcomes”.

The evidence that the institution has to demonstrate for this criterion is as follows:

- “its programs of study are offered at levels that correspond to the levels of the overall qualifications framework for higher education;
- in seeking to establish, and then maintain, comparability of standards with other providers of equivalent-level programs, advice is explicitly sought from academic peers in other higher education institutions and, where appropriate, professional and statutory bodies.”

3.4 Additional Criteria for University Title and/or Research Degree-awarding Powers

The section on additional criteria for university title and/or research degree-awarding powers has two subheadings:

- The Environment Supporting the Award of Higher Degrees
- Academic Staff.

The criterion for an environment supporting the award of higher degrees is that the “institution has an environment of academic staff, postgraduates and postdoctoral workers which fosters and actively supports creative research and scholarly activity”.

Academic staffing has four criteria:

- “The qualities and competencies of staff are appropriate for an institution with university title and/or research degree-awarding powers
- The institution’s staff are actively involved with the pedagogic development of their discipline
- Staff of the institution have acknowledged academic expertise
- Staff maintain high professional standards and willingly accept the professional responsibilities associated with operating in a university environment.”

While there is an extensive body of evidence that has to be provided, there are no guidelines for actual numbers of staff that should demonstrate certain qualities. For example, “a significant proportion” of academic staff required to have higher degrees, doctorates, or be involved in learned societies etc is not defined.

3.5 Criteria for University Title Only

Unlike other sections, criteria for university title have quantitative dimensions at both breadth and depth.

The criteria for university title are as follows:

“An institution wishing to apply for approval to use the title ‘University’ should normally have:

- at least 300 full-time equivalent higher education students in five of the subject areas listed for this purpose below⁶;
- a higher education enrolment of at least 4000 full-time equivalent students;
- at least 3000 full-time equivalent students on degree level courses;
- at least 60 current research degree registrations and more than 30 Doctor of Philosophy (or direct equivalent) conferments.” (Department for Education and Employment, 2002: 8)

3.6 Process

The process of applying consists of the following steps⁷ :

- Institutions applying for either degree awarding powers and/or university status prepare a Critical Self Analysis. This “should describe, analyse and comment clearly and frankly on the effectiveness of the means used by the institution to satisfy itself that it is able to meet the criteria relevant to the powers being sought”.
- The Analysis “should be accompanied by a list of the evidence used by the institution itself to test whether its processes are operating as intended, to enable it to know whether it is discharging effectively its responsibility for quality and standards relative to the powers being sought”.
- Institutions are encouraged to approach the QAA for informal discussions.
- One copy is submitted to the Privy Council.
- A further 20 copies go to the QAA once the relevant Education Department has approached it for advice.
- The QAA’s Advisory Committee on Degree Awarding Powers (ACDAP) considers
 - Submitted documentation
 - A preliminary report by ACDAP committee officers
 - Comments received from validating partner(s), if appropriate
 - Initial advice from the relevant funding council.
- If, in the light of the above, the Committee determines that the application should be considered further, a Scrutiny Panel will be appointed to examine the application in detail. The Scrutiny Panel is chaired by a member of the ACDAP and consists of 4 - 6 people, some of whom will be heads or other senior members of higher education institutions and others are likely to have professional experience relevant to the submission.

⁶ Subject categories:

Clinical and Pre-clinical subjects
 Subjects and Professions Allied to Medicine
 Science
 Engineering and Technology
 Built Environment
 Mathematical Sciences, Information Technology and Computing
 Business and Management
 Social Sciences
 Humanities
 Art, Design and the Performing Arts
 Education, Initial Teacher Training and Qualified Teacher Status

⁷ The references are all from a QAA document of 2000, Applications for the Grant of Taught Degree Awarding Powers, Research Degree Awarding Powers and University Title : Institutional Guidance on Procedures.

- The Scrutiny Panel may commission a preliminary visit to the applicant institution to explore matters arising from the initial submission. On the basis of this report, the Panel will decide to proceed with its scrutiny or ask the institution to undertake further work before proceeding with its application.
- If the scrutiny proceeds, the QAA will appoint a small team of assessors to collect evidence on the application.
- Scrutiny activities may include
 - Reviewing formal documentation
 - Observing formal meetings
 - Structured discussions with staff, students and external interest groupings.
- Subject to satisfactory progress, the process will culminate in a Scrutiny Panel visit.
- The report of the Scrutiny Panel is then considered by the ACDAP, submitted to the Board of the QAA and thence to the appropriate Education Department. The Minister concerned will decide whether the advice should be disclosed to the applicant, or published. The final decision is taken by the Privy Council.
- The Education Department may also seek views from the relevant funding council on the financial stability of an institution (“irrespective of whether the institution is in receipt of funding from that council”).
- The applicant’s validating partner/s will also be invited to “offer their comments on the nature of the operational relationship that has been established and their judgment as to the suitability of the applying institution to be granted the powers they are seeking”.

3.7 Comments

- With reference to a binary system, this was difficult to maintain when there was no legislative distinction between the universities and polytechnics. The same issue already exists and is likely to strengthen in South Africa. There were no clear directives, sanctions or incentives to prevent academic drift in the UK.
- Degrees can only be offered by a recognised UK body. Private or overseas providers have to obtain validation from a UK body for degrees to be recognised. This is a fairly simple mechanism to control degree-awarding powers. Foreign providers have to make clear that their degrees are not UK awards, thus leaving the student responsible for protecting him- or herself.
- Gate-keeping for degree-awarding powers or university title is provided by quantitative criteria for use of university title as well as by the requirement that an applying institution should have no bad reports for the preceding five years.
- Other elements of the evaluation are extensive as could be expected of QAA-developed procedures. They are probably very useful in a self-evaluation process, but would be extremely time-consuming to produce as well as to evaluate.

4. CANADA

4.1 Introduction

In Canada, universities are established by legislation. There is, however, no central system of accreditation or way of establishing universities; different provinces have different methods. Some provinces have agencies or organisations charged with quality control, for example Ontario has a Post-secondary Education Quality Assessment Board, which advises the Minister on whether to establish a university or not (the duties of this Board will be discussed later). There is no central system for accrediting or recognising private higher education providers. The Canadian Information Center for International Credentials notes that since “these private programs and institutions are not regulated in Canada, there is no guarantee that their training and education will be recognized” (Fact Sheet no 5, 19 July 2002).

In Ontario, the duties of the Post-secondary Education Quality Assessment Board are similar to those of many accreditation agencies and include the review of applications to operate or maintain a university. It may establish review panels to “assess the educational quality of proposed degree programs in Ontario” and to review applications for university status. It may also establish advisory committees to assist in providing information and advice to the Minister (Post-secondary Education Choice and Excellence Act of 2000). These processes will not be described in detail because they are similar to other processes throughout the world.

This section will discuss British Columbia legislation because it distinguishes between the functions of a technical university and universities established under another Act. It will also discuss the criteria for membership of the Association of Universities and Colleges of Canada. Although the criteria for membership are broad, there is a prescribed minimum enrolment. Lastly, this section discusses the ranking of the annual Maclean report because ranking mechanisms appear to come into play in large and diverse systems without a central system of accreditation.

4.2 British Columbia

The Technical University of British Columbia established under its own Act is of particular interest, because there are differences in the functions and duties of the Technical University and those of a university as defined under the umbrella Act 1996 (chapter 468, updated to 6 September 2000). Functions and duties of a university under the University Act of 1996 are to do all of the following:

- (a) “establish and maintain colleges, schools, institutes, faculties, departments, chairs and courses of instruction;
- (b) provide instruction in all branches of knowledge;
- (c) establish facilities for the pursuit of original research in all branches of knowledge;
- (d) establish fellowships, scholarships, exhibitions, bursaries, prizes, rewards, and pecuniary and other aids to facilitate and encourage proficiency in the subjects taught in the university and original research in all branches of knowledge;
- (e) provide a program of continuing education in all academic and cultural fields throughout British Columbia;
- (f) generally, promote and carry on the work of a university in all its branches, through the co-operative effort of the board, senate and other constituent parts of the university.”

[Part 10 of University Act (RSBC 1996)].

The definition is fairly inclusive and should incorporate a broad range of institutions provided they cover “all branches of knowledge”.

The Technical University of British Columbia was established under its own Act of 1997. The purposes of the university are similar to those of the University Act, but there is a strong emphasis on applied research and links with business and labour. The purposes are:

- (a) “to offer certificate, diploma and degree programs at the undergraduate and graduate levels in the applied, technological and related professional fields that contribute to the economic development of British Columbia,
- (b) to conduct applied research and development,
- (c) to provide continuing education that responds to the needs of the applied, technological and related professional fields,
- (d) to collaborate and co-operate with other post-secondary institutions, business and labor respecting education and applied research and development, and
- (e) to create strong links with business and labor and develop programs that are relevant to, and at the forefront of, industrial and professional initiatives.”

An interesting feature is that the Technical University has no faculties. It has a Board of Governors and a University Council, both of which have student- and staff-elected members. It still has autonomy, however, so the different form of governance may not be an issue. Furthermore, it has program advisory committees for “each program area”. The Program Advisory Committee consists of the head of the program area, up to seven representatives of business and labour, up to three teaching staff, and up to two students from the program area.

The establishment of the Technical University appears to have been a government initiative. In a transcript of the orders of the day (24 July 1997), the Minister explained that “in establishing this university, the government is acting on the recommendations of several committees appointed by the province to study post-secondary education in the Fraser Valley. The reports of those committees were consistent on two recommendations: first, the need for expanded educational opportunities in the Fraser Valley; and secondly, the need to be innovative, flexible and non-traditional in delivering programs cost-effectively.”

The Minister explained other steps to expand capacity in the Province and then continued “the new Technical University of British Columbia is part of the Province’s comprehensive response to very considerable demand for post-secondary education in the Fraser Valley. The establishment of this university is also consistent with our government’s commitment to invest in people and help them gain the knowledge and skills they need to succeed in this global economy – an economy that requires flexibility and requires response to changes in science technology in the world marketplace”.

As a political decision, there does not appear to have been any process of accreditation.

4.3 Association of Universities and Colleges of Canada

While Canada might not have a nation-wide system of accreditation, the Association of Universities and Colleges of Canada has criteria for membership. It specifies that it is an association for public and private not-for-profit universities as well as for university degree-level colleges. They have to be established by the Crown or by Statute. Conditions for enrolment include the following:

- the university must have its own independent board or governing body;
- it must have as its “primary mission” the provision of university degree programs, which “must be characterized by breadth and depth in the traditional areas of the liberal arts and/or sciences, will be of a professional nature (such as medicine, law, teacher education, engineering) with a major liberal arts or science component”;
- it must be a free-standing institution;
- in the two preceding years, it must have had an enrolment of at least 500 full-time equivalent students enrolled in the degree programs;
- academic staff must be provided with the time and institutional support to engage in “scholarship, academic inquiry and research”;
- it must conform to the principles of academic freedom and responsibility (Association of Universities and Colleges of Canada, 2002: website).

The above focus on not-for-profit institutions if they are private, a minimum size of at least 500 full-time equivalent students and breadth and depth of several fields of study are more exclusive than the Act.

4.4 The Maclean Report

The last useful piece of information from Canada is the annual Maclean Report that ranks Canadian universities in three categories:

- medical schools or universities with a broad range of PhD programs and research;
- comprehensive universities with a significant amount of research activity and a wide range of programs, including professional degrees at graduate and undergraduate levels;
- primarily undergraduate universities with relatively few graduate programs.

The universities are ranked on six broad groupings with a range of factors. These include:

- student body – for example, average high-school grades, graduation rates, national academic awards;
- classes – including class sizes;
- the percentage of first-year classes taught by tenured and tenure-track professors;
- faculty – including those with PhDs and those who win national awards;
- finances – including current expenses per student (scholarships and bursaries);
- library – including percentage of the university’s operating budget allocation to library, number of volumes and volume equivalents per total number of students;
- reputation – including polls and number of gifts to the university.

The ranking is focused on the quality of education students can expect to receive rather than on classifying institutions. What is interesting is that in order to do the ranking, the Maclean report collects very specific performance indicators.

4.5 Comments

- Although the Technical University has slightly different functions, with links to business and labour emphasised, it is still called a university. It will be interesting to see whether there will be aspirations to become a different type of university in the future.
- The different governance structure of the technical university may not prove an issue. Academic staff may, however, take issue with the fact that they do not have tenure (specifically referred to by the Minister) and do not exist within faculties. It will be interesting to see whether academic staff campaign for this in the future.
- As in other cases, the Association of Universities and Colleges of Canada has more stringent criteria to become a member. They include the need to be not-for-profit if the institution is a private university, to have at least 500 FTE students in degree programs, as well as breadth and depth in programs which follow several fields of study.

5. **UNITED STATES OF AMERICA**

5.1 Introduction

There is no consistency in criteria for accreditation to offer degrees in the USA. There are numerous accrediting agencies. All usually have a combination of report provided by the applicant, peer review, and then some form of accreditation, sometimes with provisions. In reviewing their guidelines, some have summarised headings, others have more detailed explanations, some could apply equally to businesses as to higher education institutions, others provide criteria more closely based on traditional forms of universities. Two examples of the type of information required are given below.

5.2 The New England Association

The New England Association (2001) is an association with fairly extensive standards for accreditation. They have fairly traditional academic criteria. Focusing on the criteria which are relevant to degree granting status, there are detailed criteria for undergraduate and graduate degree programs. While just about all the accreditation associations require curricula to be coherent, to have specified outcomes, to have different levels for undergraduate and graduate programs, these ones emphasise the importance of undergraduate programs demonstrating a balanced breadth of enquiry together with the opportunity to develop knowledge and skills in a specific disciplinary or interdisciplinary area above the introductory level. They say that graduate programs should not be offered unless there are resources and expectations which exceed those for undergraduate programs. There must be adequate numbers of staff and those responsible should be “sufficient by credentials, number, and time-commitment for the successful accomplishment of program objectives and program improvement” (2001: 11). Research-orientated graduate programs must have a preponderance of active research scholars in their faculties. “Research orientated Doctoral programs and disciplinary Masters degree programs are designed to prepare students for scholarly careers” (2001: 11). However, the standards further on with respect to scholarship and research say that research must be undertaken only if compatible with the institution’s purposes.

Standards required for organisation and governance are designed to support “an environment that encourages teaching, learning, scholarship, and where appropriate research” (2001: 5).

Furthermore, faculty members must have “an important role in assuring the academic integrity of the institutions’ educational programs” (2001: 6).

No specific criteria are given for what would be “adequate” or “sufficient”.

5.3 North Central Association

The North Central Association – Commission on Institutions of Higher Education (NCE-CIAHE) is apparently considered to be one of the “less stringent regional regulatory bodies in the US” (Maxwell et al, 2000: 9), yet its criteria, while not as lengthy as those for the New England Association, are similar. Graduate programs, for example, have to distinguish between graduate and undergraduate levels as well as “expect students and faculty to value and engage in research, scholarship and creative activity” and be “approved, taught, and evaluated by a graduate faculty that possesses appropriate credentials and experience” (2003: 3).

5.4 Comments

- Guidelines can be appropriate and detailed but they depend on how they are interpreted and the competence and flexibility of reviewers.
- There is also a danger in not specifying criteria on a quantitative level if the reviewers are inexperienced or too flexible.
- Lessons for South Africa are whether it is important to link qualitative and quantitative criteria and the importance of having respected and experienced evaluators.

6. **CARNEGIE CLASSIFICATION OF INSTITUTIONS OF HIGHER EDUCATION**

6.1 Introduction

When there is a plethora of accreditation systems, as occurs in the USA, more specific classification schemes seem to fill the vacuum. The Carnegie Classification scheme is one of the best known schemes in the world.

6.2 Carnegie Classification

The Carnegie Classification was originally published in 1973 and has been updated regularly since then. It classifies North American universities and colleges according to their missions and achievements against those missions. It has the following classifications:

- **Doctoral/research universities**
These institutions offer a wide range of Baccalaureate programs and are committed to graduate education through the Doctoral degree. There are two types:
 - **extensive** institutions award 50 or more Doctoral degrees per year across at least 15 disciplines;
 - **intensive** institutions award at least 10 Doctoral degrees per year across 3 or more disciplines or at least 20 Doctoral degrees per year overall.

This category used to include a minimum monetary award in federal support, but this was dropped for the 2000 classification. The 2000 classification notes, however, that a strong correlation exists between Doctoral awards and research and development funds. Two separate surveys located close to 90% of total R&D funds in Doctoral/Research universities (2000: 27).

- **Masters colleges and universities**

These institutions offer a wide range of Baccalaureate programs and are committed to graduate education through the Masters degree. There are two sub-classifications:

- I. These award 40 or more Masters degrees per year across 3 or more disciplines.
- II. These award 20 or more Masters degrees per year.

- **Baccalaureate colleges**

- Baccalaureate Colleges – liberal arts: These institutions are primarily undergraduate colleges with major emphasis on Baccalaureate programs. During the period studied, they awarded at least half of their Baccalaureate degrees in liberal arts fields.
- Baccalaureate Colleges – general: These are also primarily undergraduate colleges with major emphasis on Baccalaureate programs. During the period studied, they awarded less than half of their Baccalaureate degrees in liberal arts fields.
- Baccalaureate/Associate's Colleges: These are undergraduate institutions where the majority of awards are below the Baccalaureate level (associate's degrees and certificates). During the period, Bachelors degrees accounted for at least 10% of undergraduate awards.

- **Associate's Colleges**

These institutions offer associate's degrees and certificates where less than 10% of all undergraduate awards are at the Baccalaureate level.

- **Specialised institutions**

These institutions offer degrees from the Bachelors to the Doctorate, with the majority of degrees in a single field. They include theological colleges, medical schools, schools of engineering, schools of business and management, teachers' colleges, etc.

- **Tribal colleges and universities**

These are usually tribally controlled and located on reservations. They are members of the American Indian Higher Education Consortium.

6.3 Comments

- While the classification scheme is limited, it offers an indication of what is meant by a university, particularly of minimum enrolments.
- The problem with classification schemes is that there is always aspiration to the higher levels.

- The CHE Shape and Size Committee attempted a similar classification of South African higher education institutions. However, the Department of Education in the National Plan for Higher Education chose to steer through the PQM rather than through definite classifications of institutions.

7. KENYA

7.1 Summary

The Kenyan regulations are interesting because applications to establish new universities are considered according to their likely impact on the system as a whole. Specifically, new institutions are required not to duplicate existing or prospective universities.

Recommendations to establish new universities are made by a buffer body, the Commission for Higher Education. Applications must be made to the Commission for Higher Education both for permission to operate as a university as well as to offer post-secondary education leading to the award of certificates, diplomas and degrees. This applies to any other than a public university established by an Act of Parliament. It includes private universities, universities established outside Kenya or any agent or agency of any such of the former intending to operate within Kenya. Applications to operate as a university must include aims and objectives for the university which must be “consistent with the needs of university education in Kenya”, the form of governance, an outline of academic programmes, academic resources, and a timetable towards implementation. The Commission for Higher Education will then schedule a series of meetings with applicants in order to examine the documentation or evidence. If it is not satisfied with the documentation it may order a detailed and independent evaluation of the resources expected to be made available.

Permission to establish a new university will be made when the Commission is satisfied that:

- the institution will not “in any way reproduce or otherwise duplicate those of an existing or prospective university”;
- the resources are available or likely to be available;
- there are realistic plans to achieve stated aims and objectives;
- the university is likely to attain and maintain standards set by the Commission;
- the “establishment of the university is in the interests of university education in Kenya.”

(Kenyaweb: 2002).

The Commission was due to publish a set of institutional standards governing the performance of universities. These include minimum entry requirements, standards of proficiency in terms of content and contact hours of programs, required level of academic training for potential teaching staff, specifications concerning space and other resources for classes and basic ethical standards that should regulate the conduct of all members of the university.

7.2 Comments

- The process for establishing a new university, and the evidence required in the application, are similar to requirements in other countries.

- The two-stage focus on documentation and further detailed and independent evaluation only if necessary recognises limited capacity.
- In a small country it is probably easier to ascertain whether a new institution is in the interests of Kenya as a system.

8. SWEDEN

8.1 Summary

In Sweden⁸, accreditation was introduced by a new Act for Higher Education in 1993. This Act gave more freedom to institutions, with a consequent strengthening of quality control. Under this Act, established universities were given a general right to award all degrees up to Doctoral degrees and university colleges were given the right to award Bachelor degrees. The focus within quality assurance has been on accountability and improvement. In this context, the National Agency for Higher Education was asked by the government to assess all education programs in the country over a six-year period.

The establishment of new universities, the establishment of private institutions and the establishment of new professional degrees all need government approval, which is consequent on the quality assessment performed by the National Agency for Higher Education (established in 1995). According to Hämäläinen, Sweden is the only Nordic country that has procedures for initial accreditation (2001: 35). In the other Nordic countries, but also partly in Sweden, “decisions on the initial accreditation/approval of higher education take place in the Ministry of Education, where they merge with deliberations founded in educational policy” (Hämäläinen, 2001: 35). This type of accreditation is possible in relatively small higher education systems.⁹

In Sweden, there are three levels of accreditation received from the National Agency for Higher Education:

- granting of university status to a university college;
- the right to award a Masters degree;
- the right to award Doctorates.

The process involved is first of all a self-evaluation, then peer review teams and associated site visits, then an evaluation report and follow-up if required.

The ranking is linked to other forms of evaluation:

- quality audits focusing on the organisational setup, intended to result in quality improvements;
- quality assessments focused on programs.

The Ministry of Education and Science provided the following information (private correspondence 21 February 2003).

⁸ This section draws on Hämäläinen et al, 2001: 29-32.

⁹ Sweden is the largest Nordic country with 39 higher education institutions; 16 of these are universities with the general right to award doctoral degrees in all areas, 3 have limited rights to award doctoral degrees; university colleges offer undergraduate degrees.

“The criteria used to distinguish between a university and a university college.

In the Swedish system of higher education only the Government have (sic) the authority to give a university college university status and by then unlimited rights to offer doctoral degrees in all research areas. (The academic disciplines are assembled in the research areas: humanities-social science, medicine, natural science, engineering and agriculture.)

According to the Government proposal 1996/97:1, part 16, the following criteria have to be fulfilled if a college should apply for university status.

The university college need to

- have undergraduate and graduate education and research with well established and high scientific quality,
- have an adequate extent of all undergraduate and graduate education and education in some subject areas,
- have an adequate extent of all research and research in some subject areas,
- have good infrastructural conditions (library etc.) to give undergraduate and graduate education and research
- have good international contacts in undergraduate and graduate education and research
- and meet to the requirements to independently create posts as professors and to offer doctoral degrees.

Before the decision, the National Agency for Higher Education will undertake a quality assessment and conduct appraisals of the right to confer doctoral degrees within the research area of concern. Even if the quality criteria are fulfilled the Government may choose not to decide upon the request due to the national finance situation.”

Guidelines from the National Agency for Higher Education were not available in English, but correspondence with the Agency about conditions under which a university college could be graded as a university explained the criteria as follows:

“The criteria leading the expert panel are about the university college's ability to guarantee a stable research education of good international standard. The doctoral student perspective is of great importance and the fact that a research education lasts for four-eight years. It's then important that the university college can guarantee a long term perspective on research education, not depending on too few professors and risking great problems if one or two leave the university college. The university college should have at least one defined and well integrated subject area or some related areas with professors and at least about ten active researchers that have built up research and education. The expert panel also looks at external research funding and staff publications. There are no fixed quantitative criteria, but of course the expert panel also looks at quantitative aspects when they are evaluating quality. But they use to say to university rectors that it's not enough to count professors, it's also a question of quality, e.g. how long they have been professors and their relation to research, research education and so on” (private correspondence 5 February 2003).

The ranking appears to be made on qualitative criteria rather than rigid quantitative criteria.

8.2 Comments

- Accreditation, with co-responsibility between the Ministry of Education and accreditation by a National Agency for Higher Education is similar to the South African situation.
- The requirements appear similar too.
- What is distinct about the Swedish system is that three levels of accreditation are made.

9. ROMANIA

9.1 Summary

The use of the title university was not previously regulated in Romania. In fact, the expansion of the university sector, primarily through private higher education providers, is very dissimilar from South Africa. In 1989, Romania had the second least number of students per 10 000 inhabitants in Europe and an unbalanced disciplinary structure with 69% of all students in engineering and agricultural sciences (Reisz: 2001, 3). The liberalisation of Romania after the 1989 revolution led to a vast expansion of university enrolments. According to Reisz there were two major aims of this expansion – firstly, the expansion of access which had been very limited, and secondly, the creation of alternative income streams for academics in the public sector. In addition, there was unsatisfied market demand for disciplines that had been cut or reduced during a 1974 restructuring of the higher education system (mainly the social sciences, humanities and law).

Certainly the number of students enrolled in higher education has increased substantially – from 164 500 in total in 1989/90 to 270 800 in the public sector and 130 000 in the private sector in 1998/99. By 1999/2000 there were 68 private higher education institutions with a combined enrolment of 130 000 in the 1998/99 year (compared with 57 public higher education institutions), enrolling 297 900 students in the 1999/2000 year.

The teaching staff of the private universities were largely professors from the public sector, teaching pretty much the same courses as those offered in the public sector. Up until 1995, these institutions were granted approval by the Ministry of Education, but were not recognised as being a form of higher education.

This fairly chaotic situation was tightened up by the Accreditation Law (Law no 88 of 1993) which stated that the name university could only be used by accredited institutions, that higher education institutions had to be non-profit institutions, established by law and the consent of the Ministry of Education. The Accreditation Law also set in place procedures for accrediting higher education institutions.

The National Council for Academic Evaluation and Accreditation (NCAEA) was created in 1994, is under parliamentary control and reports to the Parliamentary Committee for Education. Initially a temporary functioning licence is granted (based on a self-evaluation as well as evaluation by the disciplinary committees of the NCAEA). During this temporary period, degree examinations have to be taken at another accredited university. If, during the first three years, over half of the students in the institution applying for accreditation pass their degree examinations at “prestigious institutions selected by the NCAEA” (Reisz), then full accreditation is granted.

There is a standard accreditation procedure to which both public and private higher education providers are subject. The NCAEA organises evaluation committees based on disciplines. It

also evaluates general criteria, which are staffing, curriculum, resources, research and finance. The NCAEA regards teaching staff of a university as the most important component of the university. In order to obtain a temporary functioning licence, academic staff have to comply with the following:

- at least 70% of the teaching staff need to be accredited as a teacher according to the provisions of a Statute of Teachers;
- at least 30% of the teaching staff have to be associate or full professors according to the same Statute;
- at least 50% of the teaching staff have to be employed full-time; and
- at least 30% of these staff have to be associate or full professors.

The above requirements are necessary for each separate study program.

All higher education institutions have to be evaluated by the NCAEA every five years. Institutions created before 22 December 1989 are considered accredited and have to face only period, ie. evaluation.

9.2 Comments

- The Romanian process of accreditation was introduced after a rapid and unregulated proliferation of private providers. The situation in South Africa is very different - access is not restricted through lack of higher education institutions, nor is subject choice restricted.
- The door was closed after this explosion and I am not sure how they have the capacity to deal with the level of evaluations required.
- There is an interesting phasing in that during the temporary functioning licence degree examinations have to be taken at an accredited university.
- The focus on the number of permanent staff, who also have to have a sufficient number of senior appointments, is a useful criterion which South Africa could use for private providers.

10. **MALAYSIA**¹⁰

10.1 Introduction

Malaysia is interesting because private providers have proliferated in a context of very clear economic goals. The situation is different from South Africa but illustrates the point that a stronger link can be made with South African economic policy if desired. In both the previous and the current system in Malaysia there was the need or encouragement to twin with other universities for accreditation.

¹⁰ Information is taken from Awang Had bin Salleh "Private Post-Secondary Education in Malaysia" and Allan Schofield "An Overview of the Development of Private Post-Secondary Education in Selected Commonwealth Countries" in Schofield, A. (1996).

10.2 Private Higher Education Linked to National Economic Goals

Until the 1995 Education Act, private providers were regarded as ordinary businesses and registered under the Companies Act. In order to offer degrees, they had to twin with overseas universities and the accreditation was provided by the overseas universities. Accreditation at state universities rested with the individual university senates.

In 1996, the National Council on Higher Education was established. It has a National Accreditation Council to cover both public and private post-secondary institutions. Private providers then had to meet health and safety regulations as well as educational criteria of the Ministry of Education. With respect to financial criteria, a maximum of only 20% of the equity can be held by foreigners, and even this level of foreign involvement has to be justified.

The situation in Malaysia is very different from South Africa. The public sector has been unable to meet student demand and private providers have proliferated. This has also been facilitated by liberalisation in language policy so that instruction can be given in English and encouragement to twin with overseas universities for degree accreditation. The increase of private providers has a further link with government economic policies and to the desire to stop currency leaving the country with students studying overseas. Part of the economic policy is that ownership of private providers should be in Malaysian hands. Applications to establish new private universities or university colleges can, further, only be made at the express invitation of the Minister. To this end, several private corporations have been invited by the government to establish universities in subjects such as petroleum engineering and telecommunications. Apart from two private medical colleges, most other private providers are in areas with low capital outlay such as business and commerce.

10.3 Comments

- South Africa has, but could, emphasise economic goals more explicitly in its approach to private providers.
- There could also be a possibility of the government approaching private corporations to establish an IT university, if this still remains a priority.

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